

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 527 OF 2019**

Mohd. Akram Idrishi	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms. Shabana F. Sothe I/b S. P. Associates for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th JUNE 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 362 of 2018 registered with the Khar Police Station, Mumbai, for the alleged offences punishable under Sections 397, 452, 341, 342, 34 of the Indian Penal Code.

3 Perused the papers. According to the prosecution, the incident took place on 5th September 2018 at around 9:30 a.m. According to the complainant-Kohinoor, someone rang the door bell and stated that he had come to deliver a parcel and suddenly, before she could react, the said

person forcibly entered the house. Two persons followed him in the house. The said two persons are alleged to have gagged the complainant, taken her to her bedroom and then put a tape on her mouth, as a result of which, she could not shout. One amongst them threatened to kill the complainant and her daughter, if she did not give money. One of the accused placed the knife on her neck and told her that if she did not give money, they would kill her. Pursuant thereto, the accused pulled out Rs. 60,00,000/- from the cupboard, which was in a red bag, and asked the complainant to hand over her six golden bangles, which she was wearing and also took a mobile phone and fled from the spot.

4 It appears, that the applicant is not amongst the said three persons who entered the house. According to the prosecution, the applicant is the person, who planned and plotted the commission of the offence. It is the prosecution case, that the applicant was standing outside the building and monitoring the activities of the co-accused. In the investigation, a red bag in which the money was carried, was recovered from the house of the co-accused, pursuant to the disclosure statement made by the applicant. Similarly, Rs. 10,00,000/- were also recovered from the house of the

co-accused at the instance of the applicant. It appears that there is an extra-judicial confession made by the applicant to Mohammed Anas Naeem Ahmed. According to the said witness, the applicant had disclosed to him that on 5th September 2018, he along with three accused had committed robbery at a flat in Bhoomi Height Building. He also confessed that he was keeping a watch outside the said building, when his three associates entered the house and committed robbery. The complainant has identified the other three co-accused. As far as the applicant is concerned, the question of identifying him, does not arise, since he was standing outside the building.

5 Considering the *prima facie* material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected. However, the trial of the applicant is expedited.

6 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.